

REMARKS

Claim 12 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,774,764 (Ghosh). Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 4,743,910 (Hill). Claims 14, 15, 21 and 24 were rejected under 35 U.S. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 5,418,536 (Lisle). Claims 16 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh in view of Lisle as applied to claim 13 above, and further in view of U.S. Patent No. 6,507,730 (Caspers). Claim 18 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 5,014,340 (Wren) and U.S. Patent Publication No. 2002/0122500 (Takeuchi). Claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 7,065,125 (Miller). Claims 19, 22 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 7,015,805 (Knoop). Claim 22 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 6,338,011 (Furst).

Reconsideration of the application based on the following is respectfully requested.

Certified Priority Documents

Applicants note that in the Office Action of September 4, 2007, Examiner has acknowledged receipt of “some” certified copies of the priority documents. Applicants note that there is only one priority document (DE 102 56 620.8, filed December 3, 2002) and respectfully requests clarification if the certified copy of this priority document was not received.

Rejections under 35 U.S.C. §102(b) based on Gresham

Claim 12 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,774,764 (Ghosh).

Ghosh discloses a securing system which can be used for motor vehicles and is simultaneously provided both as a radar unit and as a transmitter/receiver unit for communicating with an external device 14.

Claim 12 recites a radar system, comprising:

at least one radar device having a sensor and a transmitter configured to transmit data, wherein the sensor and the transmitter are simultaneously operable for a communication.

While Ghosh has a securing system simultaneously provided as a radar unit and as a transmitter/receiver unit, Ghosh does not disclose any sensor and transmitter “simultaneously operable for a communication” as claimed. In Ghosh any sensing occurs *only after* the transmission. See Fig. 1 and related description. Ghosh specifically states that the “entire communication can take place in a semi-duplex operation, which means that transmission and reception can take place at the same frequency, *but however at different times.*” Col. 3, lines 50 to 55 (emphasis added). This non-simultaneous operation is necessary in Ghosh, because it is a securing system seeking to get a response from a transponder, and it further respectfully submitted it would not have been obvious to modify Ghosh to be simultaneously operable for a communication as claimed.

Withdrawal of the rejections under 35 U.S.C. §102(b) therefore is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 4,743,910 (Hill). Claims 14, 15, 21 and 24 were rejected under 35 U.S. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 5,418,536 (Lisle). Claims 16 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh in view of Lisle as applied to claim 13 above, and further in view of U.S. Patent No. 6,507,730 (Caspers). Claim 18 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 5,014,340 (Wren) and U.S. Patent Publication No. 2002/0122500 (Takeuchi). Claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 7,065,125 (Miller). Claims 19, 22 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 7,015,805 (Knoop). Claim 22 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ghosh as applied to claim 12 above, and further in view of U.S. Patent No. 6,338,011 (Furst).

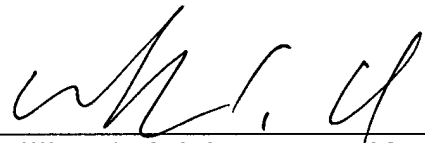
In view of the comments above, withdrawal of all of the rejections is respectfully requested. With further respect to independent claims 21 and 24, Lisle does not show a communication data signal in the peripheral region of a broadband signal and the Office Action citation in Lisle to Col. 3, lines 7 to 16 appears to be incorrect. Identification of the peripheral region is respectfully requested.

Withdrawal of the rejections under 35 U.S.C. §103(a) to claims 13 to 24 is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
Patents, Trademarks and Copyrights
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940